

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT PINTER,,

Plaintiffs,

**DECLARATION OF  
TONYA JENERETTE**

-against-

CITY OF NEW YORK, *et al*

**09 CV 7841 (CM)**

Defendants.  
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TONYA JENERETTE, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. §1746 that the following is true and correct:

1. I am a Senior Counsel in the office of MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, attorney for defendants.

2. I am familiar with the facts and circumstances stated herein based upon personal knowledge. I submit this declaration in support of defendants' memorandum of law in support of defendant's motion for summary judgment on qualified immunity grounds.

3. The following exhibits, cited in defendants' Statement of Undisputed Facts Pursuant to Local Rule 56.1, are attached hereto.

4. Exhibit A is a true and correct copy of Plaintiff's Original Complaint.

5. Exhibit B is a true and correct copy of Plaintiff's First Amended Complaint and demand for a jury trial.

6. Exhibit C is a true and correct copy of plaintiff Robert Pinter's plea allocution taken before the Honorable Judge James Gibbons, New York County Criminal Court, on October 11, 2008.

7. Exhibit D are relevant excerpts from the December 3, 2009 deposition of plaintiff Robert Pinter.

8. Exhibit E are the criminal court complaint against Robert Pinter; the New York City Police Department's on-line booking sheet; the prostitution supporting deposition; and the New York City police department's booking, arraignment and disposition sheet for plaintiff Robert Pinter.

9. Exhibit F is a copy of Robert Pinter's October 21, 2008 appearance for sentencing before the Honorable Richard M. Weinberg at the Midtown Manhattan Community Court.

10. Exhibit G is plaintiff Robert Pinter's motion to vacate his October 11, 2008 conviction.

11. Exhibit H is Robert Pinter's interview with detectives from the New York City Police Department's Internal Affairs Bureau.

12. Exhibit I are documents of the New York City Department of Buildings' Notice to owner Dina Chiarelli of violations at Blue Door Video, 87 1<sup>st</sup> Avenue, New York, New York for operating an adult theater in the cellar.

13. Exhibit J is the June 20, 2008, Stipulation of Settlement, Judgment and Order as to defendants Dina Chiarelli, Peter Chiarelli, Vincent Chiarelli, and Janaka K. Nanayakkara, owner of Blue Door Video Store.

14. Exhibit K is the November 19, 2008 affirmation by Assistant Corporation Counsel Martin I. Nagel in support of the City's Motion to Vacate the June 20, 2008 Stipulation of Settlement.

15. Exhibit L is the November 19, 2008 Order to Show Cause or order for oral argument on the City's motion to vacate the Stipulation of Settlement directed to Dina Chiarelli and Blue Door Video by the Honorable Nicholas Figueroa.

16. Exhibit M is a copy of December 5, 2008 argument before the Honorable Judge Nicholas Figueroa in the matter of the New York City Mayor's Office of Special Enforcement versus Blue Door Video.

17. Exhibit N is the December 17, 2008 Stipulation of Settlement between Blue Door Video and the New York City Mayor's Office of Special Enforcement.

18. Exhibit O is the April 17, 2009 Stipulation of Settlement between Dina Chiarelli and the New York City Mayor's Office Of Special Enforcement.

19. Exhibit P is the Manhattan District Attorney's office June 9, 2009 response to Plaintiff Pinter's motion to vacate his conviction.

Dated: New York, New York  
January 15, 2010

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New  
York  
Attorney for Defendants  
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By: /s/ \_\_\_\_\_  
Tonya Jenerette  
Senior Corporation Counsel